## ZB# 84-10

Lawrence Mowery

13-9-17

84-10-Mowley, Lawrence D. Public Hearing: Relininethiz: Notice to Sentine D Cung. 13, 1984 Pat: Collect \$25.80 fee for application

| ١ | General Receipt 5997                            |
|---|---|
| ١ | 555 Union Avenue                                |
|   | New Windsor, N. Y. 12550                        |
| ı | Received of                                     |
| 4 | Twenty Fineand B DOLLARS                        |
|   | For Variance 84-10                              |
| l | DISTRIBUTION:                                   |
|   | By Culled Devulue                               |
|   | #2056 Chee L# - 1. CO. 1                        |
|   | Williamson Law Book Co., Rochester, N. Y. 14609 |
| L |   |

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|          | NEW WINDSOR ZONING BOARD OF APPEALS  |
|----------|--|
|          | In the Matter of the Application of  DECISION DENYING  LAWRENCE C. MOWERY,  VARIANCE |
|          | # <u>84-10</u> .   |
|          | WHEREAS, <u>LAWRENCE MOWERY</u> of 69 Bradford Avenue,                               |
|          | New Windsor, N. Y. (R-4 zone), has made application before the                       |
| ٠. ا     | Zoning Board of Appeals for <u>ares</u> variancesfor the purposes of:                |
| · ·      | construction of a garage at premises above ;   |
|          | and  |
| ,        | WHEREAS, a public hearing was held on the 13th day of                                |
|          | August , 1984 before the Zoning Board of Appeals at the Town Hall,                   |
|          | New Windsor, New York; and   |
|          | WHEREAS, the applicants appeared in behalf of himself;                               |
|          | ; and  |
|          | WHEREAS, the application was opposed; and  |
|          | WHEREAS, the Zoning Board of Appeals of the Town of New                              |
|          | Windsor makes the following findings of fact in this matter:                         |
|          | 1. The notice of public hearing was duly sent to residents                           |
|          | and businesses as prescribed by law and published in The Sentinel, also              |
| -        | as required by law.  |
|          | 2. The evidence shows: that applicant intends to construct                           |
|          | a garage on residential premises, within 5 feet from neighbor's rearyard.            |
| <i>,</i> |  |
| ٠        | 3. The evidence shows that applicant has ample room to                               |
|          | construct a garage if he locates said garage closer to the residence and             |
|          |  |
| •        | further away from neighboring rearyard.  |

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

not

- 1. The evidence shows that the applicant will/encounter practical difficulty if the area variance requested is not granted.
- 2. The proposed variance will work result in substantial and detriment to adjoining properties ox/change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENIES 35 ft. rearyard and 10 ft. sideyard variance in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 24, 1984.

Chairman

Prelin 911/84

## TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING - BUILDING INSPECTOR

#### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

| File No                                 |                       |                        | DateMa               | ay 25, 1                                | 9 <b>.24</b>   |
|---|-----------------------|------------------------|----------------------|---|----------------|
| To Law.                                 | rence C. f Ja         | hanna C. Mowe          |                      | 2-4883                                  |                |
| •                                       | Bradford Ave.         |                        | _                    |   |                |
|   | Windsor, New          |                        | 11                   |   |                |
| PLEASE                                  | TAKE NOTICE that      | your application dated | PI I                 | <u></u>                                 | 9. <b>3.4</b>  |
|   |                       | Bradford A             |                      | sarag e                                 | ••••••••       |
| at the premise                          | es located at         | Draoteve A             | 1061                 | ••••••••••••••••••••••••••••••••••••••• |                |
| is returned h                           | erewith and disapprov | ed on the following g  | grounds:             | la 1611 ad -                            | ·              |
| for k                                   | 2-4 Zone              | eguireu <del>Tre</del> | <del>7.1</del> , 0.0 | × yaro re                               | GUITEMENTS<br> |
| • |                       |                        |                      |   |                |
|   |                       |                        | 1                    |   |                |
| 3511                                    | rearyard              | fach                   | 7/2 January          | enwo /                                  | •••••          |
| 101/                                    | rengard<br>orderand   |                        |                      |   |                |
|   | · ·                   |                        |                      |   | _              |

| Name of Owner of Ptember LAWRENCE C. MCWERY a  | and JOHANNA C. MOWERY   |
|--|---|
| Addiess. 69 BPADFORD AVENUE, NEW WINDSOR,  | NY  |
| Name of Architect  |   |
| MARTA CALIOTA  | Phone   |
|  | •••••••••••••••••   |
| Address 81 MAPLE STREET, NEWBURGH, NY  |   |
| State whether applicant is owner, lessee, agent, architect, engin If applicant is a corporation, signature of duly authorized office | cer or builder:   |
| ••••••   | (Name and title of corporate officer)   |
| 1. On what street is property located? On the NORIH  | eide of BRADFORD AVEITUE  |
| (N. S. E. or W   | 7.)   |
| and  |   |
| 2. Zone or use district in which premises are situated   |   |
| 3. Tax Map description of property: Section  |   |
|  | ont Yard Rear Yard Side Yard. WEST 41' 10'  |
| 4. Size of lot: Front Rear Depth Fronts a corner lot? YES.   | ont Yard Rear Yard Side Yard.V底ST 41 10 t   |
| 5. State existing use and occupancy of premises an RESIDENTIAL a. Existing use and occupancyb.                                       | d intended use and occupancy of proposed construction: CARACE and STORACE   |
|  | ilding Addition Alteration Repair   |
| RemovalDemolitionOther   |   |
| 7. Dimensions of entire new construction: Front.24   | Rear Depth 20' Height 10' Stories .1  |
| B. Material of new construction  | ••••••  |
| 9. If dwelling, number of dwelling units Number of d   | welling units on each floor   |
| Number of bedrooms Baths Toilets   | i e   |
| Heating Plant: Gas Oil Electric/   | Hot Air Hot Water   |
| • If Garage, number of cars.1  |   |
| 0. If business, commercial or mixed occupancy, specify natur   | e and extent of each type of use CARAGE and STORAGE   |
| ***************************************  |   |
| 11. Estimated cost   |   |
|  | g Permit include the cost of all the construction and other work land. If final cost shall exceed estimated cost, an additional fee ancy. |
| ė  |   |

#### **IMPORTANT**

#### REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

#### CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-When excavating is complete and footing forms are in place (before pouring).
- 2-Foundation Inspection check here for waterproofing and footing drains.
- 3-Inspect gravel base under concrete floors, and underslab Plumbing.
- 4-When freming is completed, and before it is covered from inside, and Plumbing rough-in.
- 5-Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

#### TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

#### APPLICATION FOR VARIANCE OR SPECIAL PERMIT

Date: I. Applicant Information: LAWRENCE C. MOWERY IN
(Name, address and phone of Applicant) (Owner) (b) (Name, address and phone of purchaser or lessee) (c) (Name, address and phone of attorney) (d) (Name, address and phone of broker) II. Application type: Use Variance Sign Variance Special Permit Area Variance III. Property Information: 69 Bradford AVER What other zones lie within 500 ft.? Is a pending sale or lease subject to ZBA approval of this (c) application? NO When was property purchased by present owner? 196 Has property been subdivided previously? No When? (d) (e) (f) Has property been subject of variance or special permit previously? When? previously? <u>No</u> When? Has an Order to Remedy Violation been issued against the (g) property by the Zoning Inspector? No Is there any outside storage at the property now or is any proposed? Describe in detail: 46 x 5 x 44.6"-No. IV. Use Variance: Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_, Table of \_\_\_\_\_, to allow: (Describe proposal)

| , T                                     |   |
|---|---|
| (b)                                     | The legal standard for a "Use" variance is unnecessary  |
| * · · · · · · · · · · · · · · · · · · · | hardship. Describe why you feel unnecessary hardship  |
|   | will result unless the use variance is granted. Also  |
|   | set forth any efforts you have made to alleviate the  |
| •                                       | hardship other than this application.   |
|   |   |
|   |   |
| ,                                       |   |
|   |   |
| V. Area                                 | variance:   |
| (a)                                     | Area variance requested from New Windsor Zoning Local Law,  |
| \ <b>/</b>                              | Section 48-13, Table of Bulk Regs., Cols, 798   |
|   |   |
|   | Proposed or Variance  |
|   | Requirements Available Request Min. Lot Area  |
|   | Min. Lot Width  |
|   | Reqd. Front Yd.   |
|   | /Reqd. Side Yd  |
| <b> </b>                                | Reqd. Rear Yd. 5'   |
|   | Reqd. Street  |
| •                                       | Frontage* Max. Bldg. Hgt.   |
|   | Min. Floor Area*  |
|   | Dev. Coverage* % % %  |
|   | Floor Area Ratio**  |
|   | * Posidontial Districts only  |
| •                                       | * Residential Districts only  /** Non-residential districts only  |
| V                                       |   |
| (b)                                     | The legal standard for an "AREA" variance is practical  |
|   | difficulty. Describe why you feel practical difficulty  |
|   | will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the |
| •                                       | difficulty other than this application.   |
|   | UNABLE TO BUILD GARAGE AS SPECIFIED   |
|   | BY TOWN CODE DUE TO PRE EXISTING RESIDENCE.   |
| • .                                     |   |
|   |   |
|   |   |
|   |   |
| VI. Sign                                | Variance:   |
|   | (a) Variance requested from New Windsor Zoning Local Law,   |
|   | Section, Table of Regs., Col  |
|   | Proposed or Variance Requirements Available Request   |
|   | Sign 1 Available Request  |
|   | Sign 2  |
|   |   |
|   | Sign 3  |
|   | Sign 4  |
|   |   |

| •         | (b) Describe in detail the sign(s) for which you seek a   |
|-----------|---|
|           | variance, and set forth your reasons for requiring  |
|           | extra or oversize signs.  |
|           |   |
|           |   |
|           |   |
|           |   |
|           |   |
|           |   |
|           | (c) What is total area in square feet of all signs on premises  |
| •         | including signs on windows, face of building, and free-   |
|           | standing signs?   |
|           |   |
|           |   |
|           |   |
| VII.      | Special Permit:   |
| A T.T.    | (a) Special Permit requested under New Windsor Zoning Local   |
| \$        | Law, Section, Table of Regs., Col   |
|           |   |
| •         | (b) Describe in detail the use and structures proposed for  |
|           | the special permit.   |
|           |   |
|           |   |
|           |   |
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| •         |   |
| •         |   |
|           |   |
| 77TT \    | Additional comments:  |
| V T T T . | (a) Describe any conditions or safeguards you offer to ensure   |
|           |   |
|           |   |
|           | that the quality of the zone and neighboring zones is   |
|           | that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of  |
|           | that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees,  |
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| IX.       | Attachments required:  Copy of letter of referral from Bldg./Zoning Inspector.  Copy of contract of sale, lease or franchise agreement.  Copy (ies) of site plan or survey showing the size and location of the location of all buildings,  |
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X. AFFIDAVIT

| 1 .  | /· / | / n | 7 | Cal    |
|------|------|-----|---|--------|
| Date | 6/   | 2   | _ | <br>84 |

STATE OF NEW YORK)
COUNTY OF ORANGE )

ss.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant) Mony f.

Sworn to before me this

XI.

| day | of, 195/ PAULINE G. TOWNSEND Notary Public. State 31 New York  Appointed in Orange County  My commission expires Mar. 30, 1900. | · , |   |
|-----|---|-----|---|
| ZBA | Action:   |     | , |
| (a) | Public Hearing date   | • • | , |
| (b) | Variance is   | •   |   |
|     | Special Permit is   | •   |   |
| (c) | Conditions and safeguards:  |     |   |
|     |   |     |   |
|     |   | ,   |   |
|     |   |     |   |

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

Memo FROM: ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12550

. TO:

TOWN PLANNING BOARD BUILDING/ZONING OFFICER

**DATE:** 8/14/85

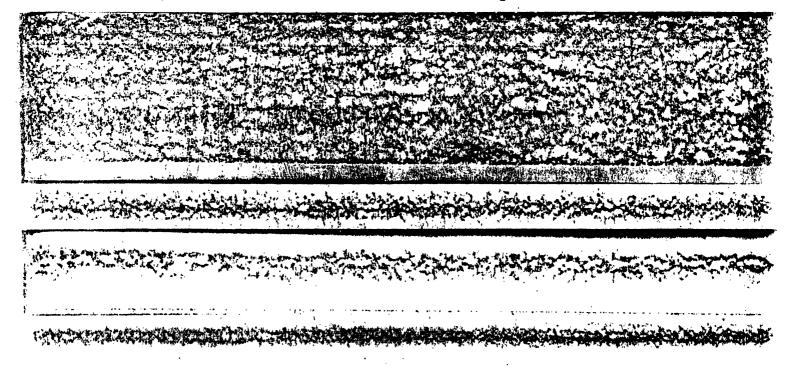
SUBJECT: PUBLIC HEARINGS HELD BEFORE THE ZBA - 8/13/84 --FOLD HERE--

> Please be advised that the following actions were taken at the above meeting of the Zoning Board of Appeals:

- (1) MOWERY, LAWRENCE Application for area variances DENIED;
- (2) WENDY'S/THORNE ESTATE - Application for area, height and sign variances -GRANTED;
- (3) RUSCITTI SUBDIVISION - Applications for frontyard variances on Lots #5, 6, 7 and 14 - GRANTED.

cc: Mr. Lawrence Mowery, Jr. Elias Grevas, L.S.

/pd



| 8/13/84 | Dublic Hearing - Mowery # 84-10.                         |
|---------|--|
| 7/ 70   |  |
| 250     |  |
|         | Name: Address:   |
| al al m | Arthur W. Moore 63 Blanche live                          |
|         | Anthorn 63 Blanche live<br>HATTI De dere New Myndson, of |
|         | Hanes Home: 9/mentinar no                                |
|         | Hom Jornal & Baurence law n.W.                           |
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Re: Application Mowery Arthur and Patricia Moore
63 Blanche Avenue
New Windsor, New York 12550
July 26, 1984

Zoning Board of Appeals 555 Union Avenue New Windsor, New York 12550

REFERENCE: variance appeal #10
Town of New Windsor Zoning Board of Appeals

Dear Sir:

I object to the granting of this variance. The reasons for my objection are as follows:

1-This addition will give me an improper sight clearence, which could result in a major accident while backing out of my driveway.

2-The placing of the addition so close to my property will create a total lack of air circulation around my house.

3-The flow of water off the roof of the proposed addition will create an icy hazard on my driveway all winter.

4-This structure will completely eliminate my southern view and, as a result, will reduce the value of my property.

Aside from the reasons listed above, I find it difficult to believe that the Town Board of New Windsor could allow an addition of this kind to be built upon an undersized lot which <u>already</u> has insufficient front, side, and rear yard clearance.

Thank you for your attention to this critical matter.

Sincerely,

Mr. and Mrs. Arthur Moore

RECEIVED ATTORNEYS OFFICE TOWN OF NEW WINDSOR

JUL 30 1984

By Mhicia Tolia

Arthur and Patricia Moore 63 Blanche Avenue New Windsor, New York 12550 July 26, 1984

Zoning Board of Appeals 555 Union Avenue New Windsor, New York 12550

REFERENCE: variance appeal #10 Town of New Windsor Zoning Board of Appeals

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Thank you for your attention to this critical matter.

Sincerely.

and Mrs. Arthur Moore

RECEIVED ATTORNEY'S OFFICE TOWN OF NEW WINDSOR

JUL 30 1984





## TOWN OF NEW WINDSOR ZBA COSY

555 UNION AVENUE NEW WINDSOR, NEW YORK

June 27, 1984

Mr. Lawrence Mowery 69 Bradford Ave. New Windsor, N.Y.

RE: 13-9-17

Dear Mr. Mowery:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this servie is \$90.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

JIM LYLE IAO

ACTING ASSESSOR

Town of New Windsor



#### TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

Caesar Joseph & Cecelia 25 Clancy Ave New Windsor NY 12550

Baranski Charles & Jane H 30 Cedar Ave New Windsor NY 12550

Scott William & Dorothy 8 Cedar Lane New Windsor NY 12550

3D Realty Inc c/o Da Mario Carmine & Louise 61 Clancy Ave New Windsor NY 12550

Fetzer Robert N 34 Cedar Ave New Windsor NY 12550

Russio Anthony L & Helen M 36 Cedar Ave New Windsor NY 12550

Leary John A 6 Clarkwood Dr Cornwall NY 12518

Maley Lillian K 40 Cedar Ave New Windsor NY 12550

Gandolfini Lino & Ida 44 Cedar Ave New Windsor NY 12550

Moore Arthur W & Patricia 63 Blanche Ave New Windsor NY 12550 Orzechowski Zygmont & Stella 61 Blanche Ave New Windsor NY 12550

Mans Clarence P Box 247 Vails Gate NY 12584

Robinson Gordon L Jr & Bernice L 43 Blanche Ave New Windsor NY 12550

Connor Robert L & Kruleski Kathle PO Box 4112 New Windsor NY 12550

Detz Frank & Dorothy 37 Blanche Ave New Windsor NY 12550

Irwin Albert & Stella 35 Blanche Ave New Windsor NY 12550

Conklin Joseph H & Agnes 28 Blanche Ave New Windsor NY 12550

Grossholz Rose 19 Windsor Dr New Windsor NY 12550

Rahemba Joseph C & Joyce M 40 Blanche Ave New Windsor NY 12550

Simanoski Charles & Anna Bradford Ave MD 23 New Windsor NY 12550

Donahue Thomas Patrick & Marie 77 Fifth Ave Newburgh NY 12550

# 1763

#### TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

Stanford Le Roy & Rosemarie 53 Melrose Ave New Windsor NY 12550

Konrad John & Helen 49 Melrose Ave New Windsor NY 12550

Kirk Frances F & Jeffery W 45 Melrose Ave New Windsor NY 12550

Brink Angela 37 Melrose Ave New Windsor NY 12550

Starr Edward P & Pauline MD23 Melrose Ave New Windsor NY 12550

Coyendall Roy W 25 Melrose Ave New Windsor NY 12550

Ramos William 17 Melrose Ave New Windsor NY 12550

Gaydos Pauline 26 Melrose Ave New Windsor NY 12550

Pacione Tobio & Susan Melrose Ave New Windsor NY 12550

Rumsey Mira Ellen Meadowbrook Gardens 1103 Pompton Ave Apt 2C Cedar Grove NJ 07009 Kulik Amelia 38 Melrose Ave New Windsor NY 12550

Mikutis Anthony & Helen 44 Melrose Ave New Windsor NY 12550

Pushman Albert E Jr & Audrey R 46 Melrose Ave New Windsor NY 12550

Simanoski Edward & Helen B 56 Melrose Ave New Windsor NY 12550

Simanoski Charles Sr & Anna Bradford Ave MD 23 New Windsor NY 12550

Malinowski Thaddeus E & Rymaszewski Wanda 39 Lawrence Ave New Windsor NY 12550

Calvarary Cemetary c/o St Patrick's Church 45 Grand St Newburgh NY 12550

Olympia Susan C 58 Melrose Ave New Windsor NY 12550

D'Amico William & Marie C 64 Melrose Ave New Windsor NY 12550

D'Egidio Dominick & Florence 68 Melrose Ave New Windsor NY 12550

#### TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

Smith Arthur D & Eileen M 76 Melrose Ave

New Windsor NY 12550

Fornal Stanley J Jr 81 Lawrence Ave New Windsor NY 12550

Favata Jennie & Alfred P 77 Lawrence Ave New Windsor NY 12550

Lucas Michael D & Arlene J c/o Joseph Effron 55 Melrose Ave New Windsor NY 12550

Kissam Dolores 17 Bradford Ave New Windsor NY 12550

Warren Estelle L 113 Blanche Ave New Windsor NY 12550

Baranski Charles & Jane 117 Blanche Ave New Windsor NY 12550

Lombardo Christopher & Lynne 52 Cedar Ave New Windsor NY 12550

Yonnone Carmine J & Jane V 56 Cedar Ave New Windsor NY 12550

Ruscitti Joseph & Ida A PO Box 227 Walden NY 12586

Short David A & Roberta L 87 Blanche Ave Now Windsor NY 12550 Antonelli Joseph A 77 Melrose Ave New Windsor NY 12550

Ortenzo Alfred & Estelle C 75 Melrose Ave New Windsor NY 12550

Hoyer William E & Carol Lee 71 Melrose Ave New Windsor NY 12550

Gerbes Anthony C & Dolores 69 Melrose Ave New Windsor NY 12550

Gerbes John J 59 Melrose Ave New Windsor NY 12550

Critelli Franklin P & Rachelle A 2 Bradford Terrace New Windsor NY 12550

D'Alissandro Nicola & Annina 6 Bradford Terrace New Windsor NY 12550

Friedle George R 8 Bradford Terrace New Windsor NY 12550

Rapp James B & Isabel 10 Bradford Terrace New Windsor NY 12550

Dalton Edmund & Irma J 9 Veronica Ave New Windsor NY 12550

Nahow Alexander & Louise 7 Veronica Ave New Windsor NY 12550



### TOWN OF NEW WINDSOR

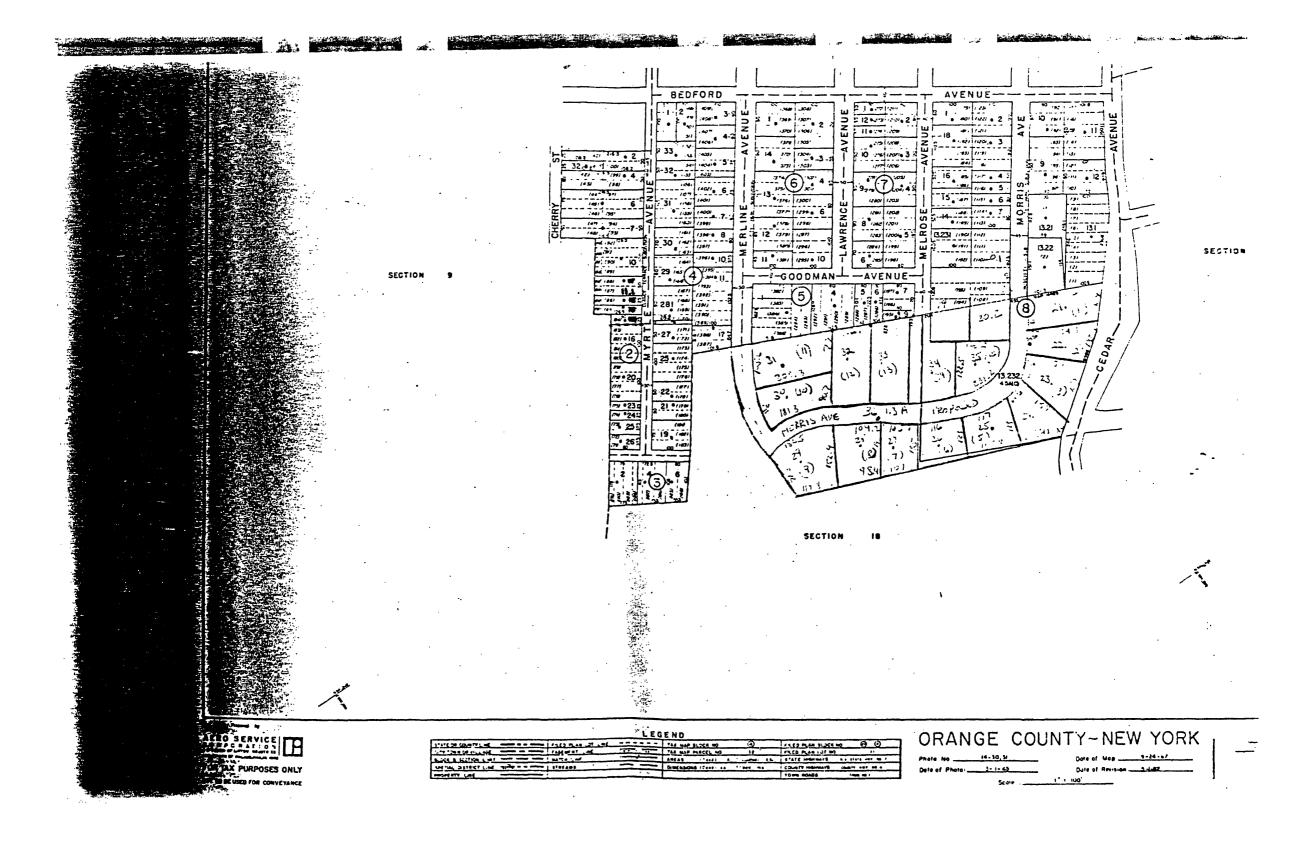
555 UNION AVENUE NEW WINDSOR, NEW YORK

Casey Thomas J & Cathy 55 Cedar Ave New Windsor NY 12550

Witschard Willy & Vera 59 Cedar Ave New Windsor NY 12550

Budney Clifford J & Patricia M 12-14 Veronica Ave New Windsor NY 12550

Mc Quiston Hubert A & Susanna 63 Cedar Ave New Windsor NY 12550



## PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

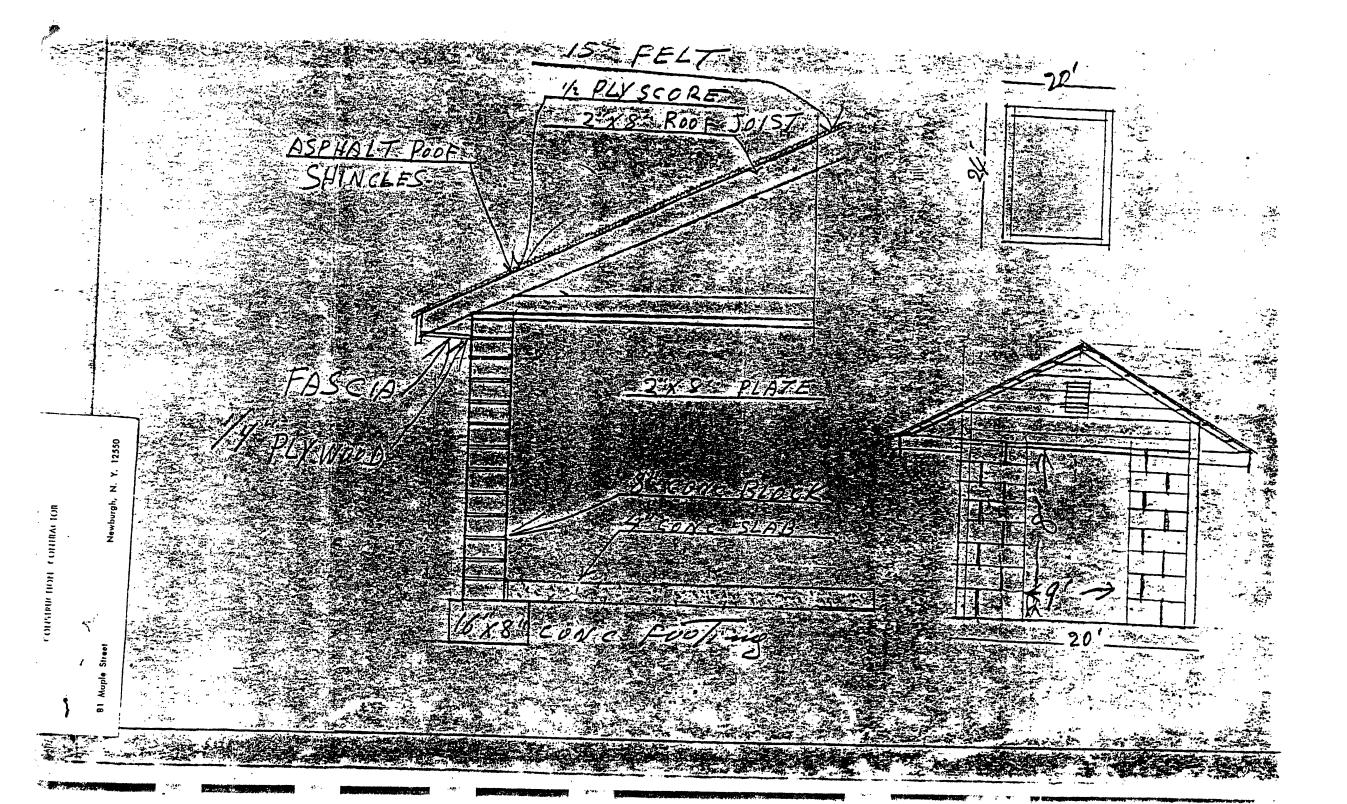
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

| Appear No. 10                                     |
|---|
| Request of <u>Lawrence</u> C. Mowery              |
| for a VARIANCE SPECIAL PERMIT of                  |
| the regulations of the Zoning Ordinance to        |
| permit Building a garage                          |
| and storage building with insufficient            |
| being a VARIANCE SPECIAL PERMIT of                |
| Section 48-12- Table of Bulk Rogs Cols. 7+8       |
| for property situated as follows:                 |
| Lawrence C. mowery                                |
| Log Bradford ave.                                 |
| new Mindson 3.4. 125.50                           |
| SAID HEARING will take place on the 13th day of   |
| August, 1984, at the New Windsor Town Hall,       |
| 555 Union Avenue, New Windsor, N. Y. beginning at |
| 7:30 o'clock P. M.                                |
|   |

E 503E 36 21 60 3,4 grass Rond

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## **PREVIOUS**

## **DOCUMENT**

IN POOR

**ORIGINAL** 

**CONDITION**